



ASSESSMENT REVIEW BOARD

MAIN FLOOR CITY HALL
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(780) 496-5026 FAX (780) 496-8199

NOTICE OF DECISION NO. 0098 166/10

Christopher Hartley
Colliers International Realty Advisors Inc.
1000 335 8 Avenue SW
Calgary, AB T2P 1C9

The City of Edmonton
Assessment and Taxation Branch
600 Chancery Hall
3 Sir Winston Churchill Square
Edmonton, AB T5J 2C3

This is a decision of the Composite Assessment Review Board (CARB) from a hearing held on August 31, 2010, respecting a request to extend disclosure dates for:

Roll Number	Municipal Address	Legal Description	Assessed Value	Assessment Type	Assessment Notice for
10066973	10231 186 Street NW	Plan: 0626825 Block: 1 Lot: 7	\$5,955,000	Annual New	2010
10066975	18404 104 Avenue NW	Plan: 0626825 Block: 1 Lot: 9	\$10,648,500	Annual New	2010
9946480	Null	Plan: 5179KS	\$218,500	Annual New	2010
9946359	15015 112 Avenue NW	Plan: 9722794 Block: 14 Lot: 10	\$272,500	Annual New	2010
5140306	4439 127 Avenue NW	Plan: 3381CL Block: Y	\$8,079,000	Annual New	2010
5140108	Null	Plan: 1012AY Block: C	\$5,421,500	Annual New	2010

Before:

Lillian Lundgren, Presiding Officer

Persons Appearing: Complainant

None

Persons Appearing: Respondent

None

BACKGROUND

The hearings for the listed roll numbers were scheduled for October 13, 2010 and the parties have disclosed the evidence and argument in accordance with the Regulation. The agent representing the Complainant, Christopher Hartley (Colliers International), asked for a postponement on the ground that he had a scheduled surgery on the hearing date. The Board postponed the hearings to November 8, 2010 and directed that the original disclosure dates remain unchanged.

The agent is requesting that disclosure dates should be extended.

ISSUE

Should the request to extend disclosure dates for hearings scheduled for November 8, 2010 be granted?

POSITION OF THE COMPLAINANT

The agent requests that the Board's direction that the original disclosure dates remain unchanged be amended to affect disclosure dates in accordance with the Regulation, that is, 42 days prior to the hearing. Access to purchase documents and documents relating to the environmental condition of the subject properties are not readily available.

POSITION OF THE RESPONDENT

The Respondent, the City of Edmonton, argues that the issue of disclosure has already been decided by the Board and is, therefore, *res judicata*.

LEGISLATION

The *Matters Relating to Assessment Complaints Regulation*, Alberta Regulation 310/2009 (MRAC):

S.8(2) If a complaint is to be heard by a composite assessment review board, the following rules apply with respect to the disclosure of evidence:

- (a) *the complainant must, at least 42 days before the hearing date,*
 - (i) *disclose to the respondent and the composite assessment review board the documentary evidence, a summary of the testimonial evidence, including a signed witness report for each witness, and any written argument that the complainant intends to present at the hearing in sufficient detail to allow the respondent to respond to or rebut the evidence at the hearing.*

S. 36(2) A one –member composite assessment review board may hear and decide one or more of the following matters:

- (b) *a procedural matter, including, without limitation, the scheduling of a hearing, the granting or refusal of a postponement or adjournment, an expansion of time and an issue involving the disclosure of evidence.*

Accordingly, as per s. 36(2)(b) of MRAC, a one-member Board was convened to consider the request.

DECISION

The Board denies the request to extend disclosure dates.

REASONS FOR THE DECISION

The Complainant's original request for postponement was for medical reasons and not for the purpose of extending disclosure deadlines. The postponement was granted with clear direction that the original disclosure dates remain unchanged. The Complainant had approximately 5 months to gather and submit information, and has not advanced sufficient grounds for granting yet more time at this stage in the proceedings.

The new legislation is designed to strengthen disclosure deadlines and simplify the disclosure process. This intent would be eroded if postponement requests in relation to reasons other than disclosure were to include disclosure.

Dated this 2nd day of September, 2010, at the City of Edmonton, in the Province of Alberta.

Presiding Officer

CC: Municipal Government Board
Gilbert J. Ludwig, Wilson Laycraft Barristers